IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL WRIT PETITION NO.661 OF 2005

P.M.Rahate Petitioner

Vs.

The Commissioner of Police,
Brihan Mumbai & ors. Respondents

Petitioner in person.
Mr.A.S.Gadkari, APP for State.
Mr.Sanjay Udeshi for Resp.No.3.

CORAM: B.H.MARLAPALLE & SMT.R.S.DALVI,JJ.

January 09, 2006.

P.C.

1. Heard the petitioner, party in person. It is evident from the records that in Case No.7/C/2001 the learned Metropolitan Magistrate, 31st Court, Vikhroli by his order dated 5/11/2004 was pleased to convict the petitioner for an offence punishable under Section 630 of the Companies Act, 1956 and has been sentenced for the said offence. The petitioner was further directed to hand over the possession of the subject flat on or before 7-1-2005. Admittedly the said order for possession of the flat has been already implemented and the order of conviction and sentence was challenged by the petitioner in Criminal Appeal No.11 of 2005 before the Sessions Court for

Greater Bombay. The said appeal has been disposed of by the lower Appellate Court by its order dated 9-3-2005. The petitioner states that he has already filed another Writ Petition against the order dated 9-3-2005 passed by the lower Appellate Court.

2. In this petition filed under Article 226 of the Constitution the petitioner prays for directions to the Respondent No.1 i.e. the Commissioner of Police, Brihan Mumbai to investigate into the applications he had submitted on 20-1-2005, 17-2-2005 and 28-2-2005. The application dated 21-1-2005 complains of damages to the household belongings and other valuable securities / documents. The application dated 20-1-2005 is regarding refusal to record the statement by the Suryanagar Police Station and the application dated 28-2-2005 requests the Police Commissioner for restoration of Quarter No.3/12 located in Hindustan Staff Quarters, L.B.Shastri Marg, Vikhroli (West), Mumbai.

3. As the order passed by the learned Metropolitan Magistrate on 5-11-2004 in Case No. 7/C/2001 has received its finality, the issue of restoration of the subject quarter cannot be

considered at least in this writ petition and in case the petitioner has any grievance regarding his complaints not being recorded or entertained by the concerned police station or the Police Commissioner, his remedy under Section 190 read with Section 200 of Cr.P.C. is in-tact to approach the Court of the Metropolitan Magistrate.

4. Hence there is no case made out to entertain this petition. The same is hereby rejected summarily.

(SMT.R.S.DALVI,J.) (B.H.MARLAPALLE,J.)